

Special Announcements

Government
Publications

of the

Ontario Human Rights Commission

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EXAMPLES OF COMPLAINTS AND THEIR HANDLING

The Commission is aware that the process of informing the public about the precise nature of the services which it makes available is a continuing one. For that reason we present a new series of case histories of recent complaints.

A Two Sikhs applied for positions as drivers with an urban transit system. One was told he would have to shave off his beard; the other was tested and then received word that his application had been rejected. Both wear beards and turbans, which are a religious requirement for Sikhs.

They lodged complaints that they were discriminated against by the transit system because of their religion. A human rights officer, in his investigation, concentrated on obtaining a change in the company's regulations before dealing with the two individual complaints and was successful. The company agreed, in writing, to waive the ban on beards and turbans for Sikhs, and required only that the driver's badge be affixed to the turban.

The human rights officer is now assuring that the complainants receive the same treatment as any other candidates for jobs as drivers.

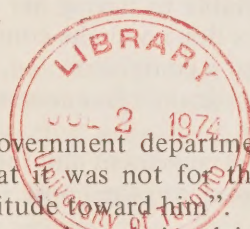
B A black man was employed in a government department for one year and was dismissed while still on probation. He believed that it was not for the reason given but as a result of a "colleague's racially rooted, vindictive attitude toward him".

A very thorough investigation was conducted, involving many interviews with the complainant's co-workers, his supervisor and with department officials, concerning the complainant, the incident in question, the intergroup relations atmosphere in that office and the conditions of work.

Tabulations and cross comparisons were then made of the responses received. No evidence was found to support the complainant's contention regarding a "vindictive, racist motivation". It was established that the alleged dereliction of duty had indeed occurred but that there were mitigating circumstances and that the complainant was regarded as of good calibre and had the sympathy of his colleagues.

The Commission officers therefore used their good offices to suggest to the department that they consider the complainant's re-employment. In this connection the officers had occasion to make the point that it is not improper to file a complaint with the Human Rights Commission, since they felt that the respondent resented this action by the complainant.

The department did, after deliberation, invite the complainant to re-apply for another position and he was hired. The Commission complimented the department on this commendable conciliatory act.



Ministry of
Labour

Ontario

HRC5013

C A female complainant alleged sex discrimination against her employer, a company which moved its office from Montreal to Toronto and offered a disturbance allowance and a rent subsidy to those staff members who agreed to move. When the actual payments were made, she alleged, men were paid more than women and her own benefits were terminated when she married shortly after moving.

In the process of investigation, human rights officers uncovered corroboration of her allegation regarding seven persons. A settlement was obtained for all, with the company paying out \$5,971. to eight persons.

D A female clerical employee at a university was dismissed and was told her job was really a man's job and that a man had been hired to replace her.

Investigation disclosed a complex situation. The complainant's performance had not been without faults, but she had been hired without a test in an emergency situation and with the regular personnel officer absent.

After a conciliation meeting with both parties, the university offered her a similar job in another faculty and she accepted.

E A black woman filed a complaint against a government department alleging that she was denied the lease of a government-owned house because of her race and colour.

Investigation disclosed that the real reason was that she was considered to have a "high risk status" because she had three dependent children and two others living with her and she received mother's allowance. The department official involved stated that if she had backing from someone, it would alter the case. The officer urged the official to tell the complainant the true reason and pointed out that this was preferable to having her believe she was the victim of discrimination because of her colour. This was done and the complainant stated that if she had known the real reason she would not have lodged a complaint.

The officer discussed the complainant's finances with her and it was arranged for a relative of the complainant's to act as backer.

The department accepted this arrangement and the officer thanked them for their co-operation. The complainant promptly moved into the house.

F A 48-year-old man complained that he had been denied a position with a large corporation because of his age. Investigation included obtaining copies of the application forms of the five candidates chosen and also lists of the ages when hired of personnel in a number of departments. The documentation showed a preponderance of younger people among the employees in that department and an employment pattern which was structurally geared to age discrimination.

Management stated that the complainant was not qualified for the position advertised. Since two of the five successful candidates were offered less senior positions and accepted, the human rights officer suggested that a position at an appropriate level might be offered to the complainant and that he be re-interviewed at a higher management level for that purpose. The corporation did so and offered him a position in the same field. He declined the offer.

The Commission considered the case closed, but pursued the educational path by obtaining the corporation's agreement and holding meetings for personnel officers on problems of job discrimination within the terms of the Code.

G A landlord who is an immigrant and does not speak English refused to rent to native Indians. One native Indian woman lodged a complaint and a Commission officer who speaks the landlord's language investigated and conciliated the case. The respondent now rents to native Indians, applying the same standards to them as to any other prospective tenants.

H Three native Indians, two women and a man, in a complaint to the Commission, alleged that they entered a hotel with the intention of going to the beverage room. They were stopped and told: "No Indians - can't serve you". The employee added that there had been a fight the night before. The man replied that he had not been involved and had not been in the hotel for three weeks. Nevertheless they were denied service.

There was a lengthy investigation to substantiate the fact that the three complainants had not been involved in the fight by reason of having been elsewhere.

At a conciliation meeting of all parties, the danger and injustice of stereotyping a whole group of people was underlined. The hotel manager said he had instructed his staff not to serve those who had been involved in fights and that they misinterpreted this to mean that all native Indians were barred.

The human rights officer suggested the terms of a conciliation settlement and the respondent accepted them. The latter wrote a letter of assurance to each complainant, apologizing for the misunderstanding and inviting them to return at any time. He also wrote a letter of assurance to the Union of Ontario Indians, to N'Amerind, a local Indian association, and to the chiefs of the nearby Reserves. Finally, he wrote a letter to the Commission stating the non-discriminatory policy of the hotel, sent a memo to his staff outlining the hotel's policy of adherence to the public accommodation provisions of the Human Rights Code, and posted a "Declaration of Management Policy" card in a visible place.

I A 64-year-old man employed as a maintenance man for 14 years by a public institution lodged a complaint that he had learned that he was being paid less than a younger man doing the same work. He invoked the age discrimination provision of the Code as applied to "terms and conditions of employment".

The investigation uncovered the fact that separate categories with different wage scales had been applied to the complainant and the younger man. Management said this was done because the complainant's work was not at the same level of performance as that of the other man.

A conciliation meeting was held bringing all parties together. The human rights officer pointed out to the complainant the wisdom of a compromise resolution of the matter and explained to the respondent that the Commission's purpose was not to establish guilt but to achieve a conciliation settlement. In the agreement finally achieved, management agreed to pay the complainant \$400. in retroactive pay as an expression of goodwill and to maintain the two men in a parity situation until the complainant's retirement later this year.

